

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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| UNITED STATES | : | |
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| -v- | : | 20-cr-110 (LJL) |
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| LAWRENCE RAY & ISABELLA POLLOK, | : | |
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| Defendants. | : | |
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LEWIS J. LIMAN, United States District Judge:

The defense moves by letter to serve subpoenas for medical records for John Doe 1 and Jane Doe 3. The letter is not accompanied by copies of the proposed subpoenas or the orders to the subpoena recipients consistent with the procedural requirements set forth in the Court's opinion of November 25, 2020. Dkt. No. 103. Under the Court's November 25, 2010 opinion, subpoenas for medical records of a victim may be served only upon the satisfaction of a two-step process. The defense must apply to the Court for a subpoena submitting evidence that satisfies the *Nixon* standard of specificity, relevance, and admissibility. The subpoenas thus must be submitted to the Court with an application sufficient for the Court to be able to determine, at a minimum, that the proposed subpoena recipient has relevant information that would be admissible and that the subpoena is not overbroad. Second, once the Court is satisfied that the subpoena satisfies *Nixon*, the Court will permit service upon the proposed recipient only if the defense provides evidence to the Court that the victim has received notice—i.e., the initial order that the Court will issue will only find that the subpoena satisfies *Nixon* and will permit notice to the victim. It will not authorize service on the recipient. The defense must make a separate request for an order permitting service upon the filing of a certificate of service indicating that notice has been provided to the victim.

The defense has satisfied the first step with respect to the subpoenas for John Doe 1 and the Court is satisfied based on its prior findings with respect to Jane Does 1 and 2 that the subpoena for John Doe 1 satisfies *Nixon*. The defense thus may provide notice to the victim. With respect to the subpoena for Jane Doe 3, the defense has not submitted the subpoena or an application for such a subpoena. Until the defense does so, the Court cannot find that *Nixon* is satisfied or permit the defense to move to step two.

SO ORDERED.

Dated: September 20, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge